

1 Eleanor A. DuBay, WSBA #45828
Tomas Salyer Martin
2 121 SW Morrison Street, Suite 1850
Portland, Oregon 97204
3 Telephone: (503) 894-9900
Email: edubay@tomasilegal.com

Judge: Christopher M. Alston
Chapter: 13
Location: Seattle
Hearing Date: November 8, 2018
Hearing Time: 9:30 a.m.

4 Attorneys for 21st Mortgage Corporation
5
6
7

8 IN THE UNITED STATES BANKRUPTCY COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON

10 In re

11 JACK C. CRAMER, JR.,

12
13 _____ Debtor.

Case No. 18-13383-CMA

OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN

14 21st Mortgage Corporation ("21st"), by and through counsel, hereby objects to
15 confirmation of the Debtor's Chapter 13 Plan dated September 13, 2018 (the "Plan"). In support
16 of its objection, 21st states the following:

17 **I. BACKGROUND**

18 21st is a creditor of Debtor having a claim in the total amount of \$40,710.68, plus
19 interest at the fixed rate of 12.0% per annum, which claim is secured by a judgment lien on
20 Debtor's real property. 21st's claim arises out of a Judgment for Money Owed entered in King
21 County Superior Court Case No. 15-2-21512-4 SEA on July 14, 2016 against Debtor and in
22 favor of 21st, which Judgment was recorded on August 2, 2016 in the King County, Washington
23 records under Auditor's File No. 20160802000179. Contemporaneously herewith 21st has filed
24 a Proof of Claim setting forth the total amount due under the Judgment.

25 A Writ of Execution to the King County Sheriff for the sale of Debtor's real
26 property commonly known as 15605 63rd Ave. NE, Kenmore, WA 98028 (the "Property") was

1 recorded on May 22, 2018 in the King County, Washington records under Auditor's File No.
2 20180522001540. On May 22, 2018, the King County Sheriff levied the Property and issued a
3 Notice of Sale of Real Property. The execution sale was scheduled for August 31, 2018, two
4 days prior to Debtor filing this proceeding.

5 **II. OBJECTION AND ARGUMENT**

6 21st objects to the Plan as it is not feasible and fails to provide certain
7 information. The Plan currently provides for a monthly payment to the Trustee of \$3,000, which
8 greatly exceeds the Debtor's net income set forth in Schedule J [Doc 10]. Further, the Plan does
9 not specify how the Plan payments will be distributed. The Plan merely proposes that the Debtor
10 will obtain a reverse mortgage within the next 60 days and that the Debtor will "pay off 100% of
11 my debts." Debtor cannot provide any assurances that the Property can be refinanced within 60
12 days nor does the Plan make any provision if the Debtor fails to obtain the reverse mortgage.
13 Moreover, there appear to be significant discrepancies in Debtor's schedules, namely the failure
14 of Debtor to include certain debts, Debtor's mischaracterization of debts, and Debtor's
15 inconsistent statements of the Property's value, which make Debtor's proposed refinance
16 doubtful. Finally, it appears that the sole reason Debtor filed this Chapter 13 bankruptcy was to
17 prevent the lawful execution sale of the Property. Since the proposed Plan is not feasible, it is
18 clear that Debtor does not, in good faith, want to repay and reorganize his debts.

19 WHEREFORE, 21st objects to confirmation of the Debtor's Chapter 13 Plan for
20 the reasons set forth herein.

21 Dated: October 15, 2018.

22 TOMASI SALYER MARTIN

23
24 By: /s/ Eleanor A. DuBay
25 Eleanor A. DuBay, WSBA #45828
26 (503) 894-9900
edubay@tomasilegal.com
Of Attorneys for 21st Mortgage
Corporation

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 15, 2018, I served the foregoing **OBJECTION**
3 **TO CONFIRMATION OF CHAPTER 13 PLAN** on the following individuals by electronic
4 notification via CM/ECF as follows:

5 Jason Wilson-Aguilar courtmail@seattlech13.com
6 United States Trustee USTPRegion18.SE.ECF@usdoj.gov

7 The parties listed below will be served via First Class Mail to their last known
8 address(es):

9 Jack Carlton Cramer, Jr.
10 15605 63rd Ave. NE
11 Kenmore, WA 98028
12 *Debtor, pro se*

Dated: October 15, 2018.

13 TOMASI SALYER MARTIN

14 By: /s/ Eleanor A. DuBay
15 Eleanor A. DuBay, WSBA #45828
16 (503) 894-9900
17 edubay@tomasilegal.com
18 Of Attorneys for 21st Mortgage
19 Corporation
20
21
22
23
24
25
26